

10/16/03

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NIXON & VANDERHYE 703 816 4100 → USPTO

NO. 736

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#31/H/S  
11/17/03

# Nixon & Vanderhye P.C.

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## FACSIMILE COVER SHEET PLEASE DELIVER IMMEDIATELY!!!!

Our Ref.: 2528-2

Your Ref.: 09/023,483

Date: October 16, 2003

To: Examiner J. Tung

Firm: U.S. Patent and Trademark Office

Facsimile No.: 703 746-5184

From: Gary Tanigawa

Number of Pages (including cover sheet): 24

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PLEASE CONTACT US IMMEDIATELY AT (703-816-4000).

## FACSIMILE OPERATOR

### MESSAGE:

Per our conversation of today, attached is our Amendment Under 37 CFR §1.312 filed on August 20, 2003 along with the stamped PTO postcard receipt.

Please let me know as soon as possible if the amended claims will be issued in the patent. It is scheduled for publication on October 21, 2003.

  
Gary Tanigawa  
Reg. No. 43, 180

### CONFIDENTIALITY NOTE

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Serial No.: 09/023,483 C#/M#: 2528-2  
Inventor/s: HEROLUX et al. Atty: Gary R. Tanigawa  
Title: ASSAY METHODS FOR NUCLEIC ACID IN A Date: August 20, 2003  
SAMPLE

**AMENDMENT UNDER 37 CFR §1.312**

\$ Fee (Check) - Pre-Bill  
\$ Fee (Check) - Non Pre-Bill  
**\$0.00 Total Fee Enclosed**  
Other:



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 2528-2

C# M#

RESPONSE UNDER RULE 312  
EXPEDITED HANDLING  
PROCEDURES

HEROUX et al.

Group Art Unit: 1637

Serial No. 09/023,483

Examiner: J. Tung

Filed: February 13, 1998

Date: August 20, 2003

Title: ASSAY METHODS FOR NUCLEIC ACID IN A SAMPLE

## Mail Stop Issue Fee

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

AMENDMENT UNDER 37 CFR §1.312

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

 Correspondence Address Indication Form Attached.

Fees are attached as calculated below:

Total effective claims after amendment	97	minus highest number			
previously paid for	97	(at least 20) =	0	x	\$ 18.00

Independent claims after amendment	13	minus highest number			
previously paid for	19	(at least 3) =	0	x	\$ 84.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper)					
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Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$410.00/2 months; \$930.00/3 months)					
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Terminal disclaimer enclosed, add \$ 110.00					
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<input type="checkbox"/> First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$750.00)					
<input type="checkbox"/> Please enter the previously unentered , filed					
<input type="checkbox"/> Submission attached					

Subtotal	\$	0.00
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If "small entity," then enter half (1/2) of subtotal and subtract					
<input type="checkbox"/> Applicant claims "small entity" status. <input type="checkbox"/> Statement filed herewith					

Rule 56 Information Disclosure Statement Filing Fee (\$180.00)					
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Assignment Recording Fee (\$40.00)					
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Other:					
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TOTAL FEE ENCLOSED	\$	0.00
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The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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JRT:ap

NIXON & VANDERHYE P.C.  
By Atty: Gary R. Tanigawa, Reg. No. 43,180

Signature: 